IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY THIRD DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 12833 of 2004

Between:

Bhagwandas Malani, S/o Goverdhandas Malani,
R/o 380, Malani Building, Ramgopalpet, Secunderabad

..... PETITIONER

AND

The Managing Director / Disciplinary Authority,

The A.P.Mahesh Co-operative Urban Bank Ltd.
(Multi State Schedule Bank) Head Office: 5-3-989, 3rd Floor,
Sherza Estate, N.S.Road, Hyderabad

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction or Writ, more particularly one in the nature of Writ of Mandamus declaring the action of the respondent, in issuing an order No.HO/PAD/3031/04-05 dated 19-5-2004 as bad, illegal, arbitrary, vindictive, without jurisdiction contrary to the statutory regulations and violative of Article 14,16 (1) and 21 of the Constitution of India, by setting aside the same and consequently directing the respondents to revoke the suspension with immediate effect with all consequential benefits including payment of full salary for the period of suspension and all service benefits and to pass such

order or orders as deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.M.GOWRI SHANKAR

Counsel for the Respondents: No appearance

The Court at the admission stage made the following:

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ORDER:

The petitioner is seeking a direction of this Court to quash the order of suspension issued by the 1st respondent pending enquiry in disciplinary proceedings on the ground that the rules do not contemplate suspension of an employee pending enquiry and that the person who signed on the suspension order is not the Managing Director.

The impugned order is *ex facie* indicating that the Managing Director-cum-Disciplinary authority signed it. Whether the individual who signed on it is the Managing Director or not is a question of fact to be adjudicated during the disciplinary proceedings. Regarding the point that the rules do not contemplate suspension of an employee pending enquiry and it contemplated suspension in disciplinary proceedings, it is made clear that an enquiry into certain serious allegations is nothing but an enquiry in the disciplinary proceedings. Therefore, it is governed by the rules and I do not find any force in the contention raised by the learned counsel for the petitioner. Since the enquiry against the petitioner is pending, the writ petition is pre-mature.

Hence, the writ petition is dismissed. No costs.

(DR.G.YETHIRAJULU, J)

23.07.2004

dr

To

1. The Managing Director / Disciplinary Authority,

The A.P.Mahesh Co-operative Urban Bank Ltd.
(Multi State Schedule Bank) Head Office: 5-3-989, 3rd Floor,
Sherza Estate, N.S.Road, Hyderabad

2. Two C.D.copies.